

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF GEORGIA
AUGUSTA DIVISION

IN THE MATTER OF A GRAND JURY
SUBPOENA REGARDING THE
FOLLOWING USER:

GILMOREHAPPY307@GMAIL.COM

HEREINAFTER, SUBPOENA

Filed Under Seal

Case No.: 1:21-mj- 014

**APPLICATION FOR ORDER COMMANDING GOOGLE LLC NOT TO
NOTIFY ANY PERSON OF THE EXISTENCE OF SUBPOENA**

The United States requests that the Court order Google LLC not to notify any person (including the subscribers and customers of the account(s) listed in the subpoena of the existence of the attached subpoena for a period of time, not to exceed one year.

Google LLC. is a provider of an electronic communication service, as defined in 18 U.S.C. § 2510(15), and/or a remote computing service, as defined in 18 U.S.C. § 2711(2). Pursuant to 18 U.S.C. § 2703, the United States obtained the attached subpoena, which requires Google LLC to disclose certain records and information to the United States. This Court has authority under 18 U.S.C. § 2705(b) to issue “an order commanding a provider of electronic communications service or remote computing service to whom a warrant, subpoena, or court order is directed, for such period as the court deems appropriate, not to notify any other person of the existence of the warrant, subpoena, or court order.” *Id.*

In this case, such an order would be appropriate because the attached subpoena relate to an ongoing criminal investigation that is neither public nor known to all of the targets of the investigation, and disclosure may alert the targets to the ongoing investigation. Accordingly, there is reason to believe that notification of the existence of the attached subpoena will seriously jeopardize the investigation or unduly delay a trial, including by giving targets an opportunity to destroy or tamper with evidence, change patterns of behavior or intimidate potential witnesses. *See* 18 U.S.C. § 2705(b). Some of the evidence in this investigation is stored electronically. If alerted to the existence of the subpoena, the subjects under investigation could destroy that evidence, including information saved to their personal computers.

WHEREFORE, the United States respectfully requests that the Court grant the attached Order directing Google LLC. not to disclose the existence or content of the attached subpoena for a period of time, not to exceed one year, except that Google LLC. may disclose the attached subpoena to an attorney for Google LLC for the purpose of receiving legal advice.

The United States further requests that the Court order that this application and any resulting order be sealed until further order of the Court. As explained above, these documents discuss an ongoing criminal investigation that is neither public nor known to all of the targets of the investigation. Accordingly, there is good cause to seal these documents because their premature disclosure may seriously jeopardize that investigation.

Executed on this 18th day of March 2021.

DAVID H. ESTES
ACTING UNITED STATES ATTORNEY

/s/ Tara M. Lyons

Tara M. Lyons
Assistant United States Attorney
SC Bar No.: 16573
United States Attorney's Office
Southern District of Georgia

UNITED STATES DISTRICT COURT
for the
Southern District of Georgia

SUBPOENA TO TESTIFY BEFORE A GRAND JURY

To:
Custodian of Records
Google LLC
1600 Amphitheatre Parkway
Mountain View, CA 94043

YOU ARE COMMANDED to appear in this United States district court at the time, date, and place shown below to testify before the court's grand jury. When you arrive, you must remain at the court until the judge or a court officer allows you to leave.

Place: U. S. FEDERAL COURTHOUSE
125 Bull Street
Savannah, Georgia

Date and Time: April 6, 2021
10:00 a.m.

You must also bring with you the following documents, electronically stored information, or objects (*blank if not applicable*): SEE ATTACHMENT

IF YOU FURNISH THIS INFORMATION TO AGENT HAROLD D. GODBEE, III, FBI, 1 10th Street Suite 630, AUGUSTA, GA 30901. TELEPHONE: (706) 676-3721, YOU WILL NOT BE REQUIRED TO ATTEND THE GRAND JURY.

Date: March 18, 2021



CLERK OF COURT JOHN E. TRIPLETT, ACTING CLERK


Signature of Clerk or Deputy Clerk

The name, address, e-mail, and telephone number of the United States attorney, or assistant United States attorney, who requests this subpoena, are:

Tara Lyons, AUSA
Post Office Box 2017
Augusta, Georgia 30903
(706) 826-4532
Tara.Lyons@usdoj.gov

PROOF OF SERVICE

This subpoena for *(name of individual or organization)* _____
was received by me on *(date)* _____ .

☐ I served the subpoena by delivering a copy to the named person as follows: _____

_____ on *(date)* _____ ; or

☐ I returned the subpoena unexecuted because: _____
_____ .

I declare under penalty of perjury that this information is true.

Date: _____

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc:

ATTACHMENT

The Order applies to the following records and information associated with the following email account(s): **gilmorehappy307@gmail.com**

1. Names (including subscriber names, user names, and screen names);
2. Addresses (including mailing addresses, residential addresses, business addresses, and e-mail addresses);
3. Local and long distance telephone connection records;
4. Records of session times and durations, and the temporarily assigned network addresses (such as Internet Protocol ("IP") addresses) associated with those sessions;
5. Length of service (including start date) and types of service utilized;
6. Telephone or instrument numbers (including MAC addresses, Electronic Serial Numbers ("ESN"), Mobile Electronic Identity Numbers ("MEIN"), Mobile Equipment Identifier ("MEID"), Mobile Identification Numbers ("MIN"), Subscriber Identity Modules ("SIM"), Mobile Subscriber Integrated Services Digital Network Number ("MSISDN"), International Mobile Subscriber Identifiers ("IMSI"), or International Mobile Station Equipment Identities ("IMEI"));
7. Other subscriber numbers or identities (including temporarily assigned network addresses and registration Internet Protocol ("IP") addresses (including carrier grade natting addresses or ports)); and
8. Means and source of payment for such service (including any credit card or bank account number) and billing records.

**GOOGLE LLC ACCOUNTS ASSOCIATED
WITH: gilmorehappy307@gmail.com from
December 1, 2020 to present.**

You are to provide this information, if available, as data files on CD-ROM or other electronic media or by facsimile to Agent Harold D. Godbee. **If you have any questions about what is required including scope limitations, please call: AGENT HAROLD D. GODBEE, III, FBI, 1 10th Street Suite 630, AUGUSTA, GA 30901. TELEPHONE:(706) 676-3721,. These records maybe sent by email to hdgodbee@fbi.gov or mailed to AGENT HAROLD D. GODBEE, III, FBI, 1 10th Street Suite 630, AUGUSTA, GA 30901**

**CERTIFICATE OF AUTHENTICITY OF DOMESTIC
RECORDS PURSUANT TO FEDERAL RULES OF
EVIDENCE 902(11) AND 902(13)**

I, _____, attest, under penalties of perjury by the laws of the United States of America pursuant to 28 U.S.C. § 1746, that the information contained in this certification is true and correct. I am employed by GOOGLE LLC, and my title is _____. I am qualified to authenticate the records attached hereto because I am familiar with how the records were created, managed, stored, and retrieved. I state that the records attached hereto are true duplicates of the original records in the custody of GOOGLE LLC The attached records consist of

[generally describe records (pages/CDs/megabytes)]. I further state that:

- a. all records attached to this certificate were made at or near the time of the occurrence of the matter set forth by, or from information transmitted by, a person with knowledge of those matters, they were kept in the ordinary course of the regularly conducted business activity of GOOGLE LLC and they were made by GOOGLE LLC as a regular practice; and
- b. such records were generated by an electronic process or system of GOOGLE LLC that produces an accurate result, to wit:
 1. the records were copied from electronic device(s), storage medium(s), or file(s) in the custody of GOOGLE LLC in a manner to ensure that they are true duplicates of the original records; and

2. the process or system is regularly verified by GOOGLE LLC and at all times pertinent to the records certified here the process and system functioned properly and normally.

I further state that this certification is intended to satisfy Rules 902(11) and 902(13) of the Federal Rules of Evidence.

Date

Signature